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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/944,540	08/31/2001	Gene Carman	000003	3134

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Qualcomm Incorporated
Patents Department
5775 Morehouse Drive
San Diego, CA 92121-1714

EXAMINER

PERUNGAVOOR, VENKATANARAY

ART UNIT PAPER NUMBER

2132

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/944,540

Applicant(s)

CARMAN, GENE

Examiner

Venkatanarayanan Perungavoor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 March 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 8/31/2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. The response filed on 3/31/05 has been carefully considered and is persuasive in overcoming U.S. Patent 6738901 B1 to Boyles et al. However, the newly discovered prior art has necessitated a new grounds of rejection which follow.

Claim Rejections – 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

- a. (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.
3. Claim 1,3-5, 7 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Publication 2001/0032237 A1 to Miyake et al.(hereinafter Miyake).
 4. Regarding Claim 1, Miyake discloses the memory that stores a plurality of usernames and passwords associated with the predetermined network address see Par 0036 & Par 0037; an input/output device that enables data to be entered see Par 0015 & Par 0009; a controller controlling access to the memory card in responses to a valid request see Par 0059-0061 & Par 0045-0048.

5. Regarding Claim 3, 4, and 5, Miyake discloses the input/output being compatible with USB, PCMCIA and the controller being an microprocessor see Par 0035 & Par 0033.
6. Regarding Claim 7, Miyake disclose the universal resource locator for a website see Par 0036.

Claim Rejections – 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
 - a. A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
8. Claim 2, 6, 8-14, rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication 2001/0032237 A1 to Miyake et al.(hereinafter Miyake) in view of U.S. Patent No 5,282,247 to McLean et al(hereinafter McLean).
9. Regarding Claim 2, Miyake does not disclose the use of flash memory.
However, McLean discloses the use of flash memory see Col 1 Ln 65-Col 2 Ln 24. It would be obvious to one having ordinary skill in the art at the time of the invention to include flash memory in the invention of Miyake in order to make

memory non-volatile and erasable as taught in McLean see Col 1 Ln 65- Col 2 Ln 2.

10. Regarding Claim 6, Miyake discloses the memory access operation; but does not disclose the encryption and decryption process see Par 0047. However, McLean discloses the encryption and decryption process see Col 9 Ln 3-13. It would be obvious to one having ordinary skill in the art at the time of the invention to include encryption and decryption in the invention of Miyake in order to further increase the security as taught in McLean see Col 9 Ln 11-12.

11. Regarding Claim 8, Miyake discloses the memory card storing usernames, password and associated predetermined URL see Par 0036 & Par 0037, but does not disclose the bus interface and an controller that responds to valid password and an encrypting and decrypting of information. However, McLean discloses the bus interface for entering data see Col 4 Ln 26-36; an controller that is operable on valid password and encrypting and decrypting of data see Col 3 Ln 15-29 & Col 9 Ln 3-13. It would be obvious to one having ordinary skill in the art at the time of the invention to include an bus interface and an controller operable based on valid password and encrypting and decrypting of data in the invention of Miyake in order to increase the level of security as taught in McLean see Col 9 Ln 11-13.

12. Regarding Claim 9, Miyake disclose the memory being an disk drive see Par. 0035.

13. Regarding Claim 10 and 11, Miyake does not disclose the access to a plurality of usernames and password when an valid password is entered, and further the controller interacting electronic device through the bus interface. However, McLean discloses the access to a plurality of usernames and password when an valid password is entered, and further the controller interacting electronic device through the bus interface see Col 3 Ln 15-29 & Fig. 1 item 108. It would be obvious to one having ordinary skill in the art at the time of the invention to include access to a plurality of usernames and password when an valid password is entered, and further the controller interacting electronic device through the bus interface in the invention of Miyake in order to increase level of security as taught in McLean see Col 9 Ln 11-13.

14. Regarding Claim 12, Miyake discloses the USB compatible interface and the computer means for entering valid password see Par.0035- 0037.

15. Regarding Claim 13 and 14, Miyake does not disclose the personal digital assistants and portable telephone. However, McLean discloses the personal digital assistants and portable telephone see Col 2 Ln 25-42 It would be obvious to one having ordinary skill in the art at the time of the invention to include the

personal digital assistants and portable telephone in the invention of Miyake in order to offer flexibility as taught in McLean see Col 2 Ln 25-26.

16. Regarding Claim 16, Miyake discloses the retrieving from the memory the username, password associated with the network address see Par. 0036-0037; but does not disclose the receiving password and determining if valid and transmitting based on the validity of password. However, McLean discloses the receiving of password and determining if valid and transmitting based on the validity of password see Col 3 Ln 15-29 & Abstract. It would be obvious to one having ordinary skill in the art at the time of the invention to include the receiving of password and determining if valid and transmitting based on the validity of password in the invention of Miyake in order to increase level of security as taught in McLean see Col 9 Ln 11-13.

17. Regarding Claim 17, Miyake discloses the network address being URL see Par. 0036-0037.

18. Regarding Claim 18, Miyake discloses the retrieving from the memory the username, password associated with the network address see Par. 0036-0037; but does not disclose the receiving access request and determining if valid and transmitting based on the validity of access request. However, McLean discloses the receiving of access request and determining if valid and transmitting based

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on the validity of access request see Col 3 Ln 15-29 & Abstract. It would be obvious to one having ordinary skill in the art at the time of the invention to include the receiving of access request and determining if valid and transmitting based on the validity of access request in the invention of Miyake in order to increase level of security as taught in McLean see Col 9 Ln 11-13.

19. Regarding Claim 21, Miyake discloses the supplying of usernames and passwords see Par. 0036-0037.

20. Regarding Claim 24, Miyake discloses the retrieving from the memory the username, password associated with the network address see Par. 0036-0037; but does not disclose the receiving access request and determining if valid and transmitting based on the validity of access request. However, McLean discloses the receiving of access request and determining if valid and transmitting based on the validity of access request see Col 3 Ln 15-29 & Abstract. It would be obvious to one having ordinary skill in the art at the time of the invention to include the receiving of access request and determining if valid and transmitting based on the validity of access request in the invention of Miyake in order to increase level of security as taught in McLean see Col 9 Ln 11-13.

21. Claim 15 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S.

Patent Publication 2001/0032237 A1 to Miyake et al.(hereinafter Miyake) in view of U.S. Patent No 6738901 B1 to Boyles et al.

22. Regarding Claim 15, Miyake does not disclose the electronic cash account

information. However, Boyles discloses the electronic cash information see Col 9 Ln 17-23. It would be obvious to one having ordinary skill in the art at the time of the invention to include the electronic cash information in the invention of Miyake in order to make purchases on the internet as taught in Boyles see Col 9 Ln 18-21.

23. Claim 19-22, 22-23 rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Publication 2001/0032237 A1 to Miyake et al.(hereinafter Miyake) in view of U.S. Patent No 5,282,247 to McLean et al(hereinafter McLean) further in view of U.S. Patent No 6738901 B1 to Boyles et al.

24. Regarding Claim 19-20, 22-23, Miyake does not disclose the access request being a digital fingerprint, scan of retina and usernames and password being encrypted and further decrypting if access request valid. However, Boyles discloses the access request being a digital fingerprint, scan of retina and usernames and password being encrypted and further decrypting if access request valid see Col 7 Ln 59-62 & Col 7 Ln 45-55. It would be obvious to one having ordinary skill in the art at the time of the invention to include the access

request being a digital fingerprint, scan of retina and usernames and password being encrypted and further decrypting if access request valid in the invention of Miyake in order to provide security for card as taught in Boyles see Col 7 Ln 59-63.

25. Regarding Claim 24, Miyake discloses the retrieving from the memory the username, password associated with the network address see Par. 0036-0037; but does not disclose the receiving access request and determining if valid and transmitting based on the validity of access request. However, McLean discloses the receiving of access request and determining if valid and transmitting based on the validity of access request see Col 3 Ln 15-29 & Abstract. And further the payment data is disclosed by Boyles see Col 9 Ln 17-23. It would be obvious to one having ordinary skill in the art at the time of the invention to include the receiving of access request and determining if valid and transmitting based on the validity of access request in the invention of Miyake in order to increase level of security as taught in McLean see Col 9 Ln 11-13. And further, it would be obvious to one having ordinary skill in the art at the time of the invention to include the payment information in the invention of Miyake in order to make purchases on the internet as taught in Boyles see Col 9 Ln 18-21.

26. Regarding Claim 25-29, Miyake does not disclose the scan of retina, fingerprint, password and monetary information being encrypted and decrypting the

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monetary information. However, Boyles discloses the access request being a digital fingerprint, scan of retina and data being encrypted and further decrypting if access request valid see Col 7 Ln 59-62 & Col 7 Ln 45-55. It would be obvious to one having ordinary skill in the art at the time of the invention to include the access request being a digital fingerprint, scan of retina and data being encrypted and further decrypting if access request valid in the invention of Miyake in order to provide security for card as taught in Boyles see Col 7 Ln 59-63.

27. Regarding Claim 30, Miyake does not disclose the transmitting only when payment information is less than value of account information. However, Boyles discloses the transmitting only when the value is less than account information see Col 8 Ln 17-23. It would be obvious to one having ordinary skill in the art at the time of the invention to include the electronic cash information in the invention of Miyake in order to make purchases on the internet as taught in Boyles see Col 9 Ln 18-21.

Conclusion

28. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkatanarayanan Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8-4:30. If attempts to reach the examiner by telephone are unsuccessful, the

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examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

29. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Venkatanarayanan Perungavoor
Examiner
Art Unit 2132

VP
5/26/2005

Justin Darrow
JUSTIN T. DARROW
PRIMARY EXAMINER